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August 2, 1999

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th St. SW – TW – A325
Washington, D.C. 20554

Re: Promotion of Competitive Networks in Local Telecommunications Markets, WT Docket No. 99-217; Implementation of the Local Competition Provisions In the Telecommunications Act of 1996, CC Docket No. 96-98

Dear Ms. Salas:

We write in response to the FCC's Notice of Proposed Rulemaking released on July 7, 1999, regarding forced access to buildings. We enclose six (6) copies of this letter, in addition to the original.

We are concerned that any action by the FCC regarding access to private property by large numbers of communications companies may inadvertently and unnecessarily adversely affect the conduct of our business and needlessly raise additional legal issues. There are several other issues in the FCC notice that also raise concerns. Pyramid Developments, L.L.C. is in the commercial real estate business. We own and manage an executive office building with several different types of businesses.

We do not believe that the FCC needs to take action in this area because we are doing everything we can to meet our tenant's demands for access to telecommunications. In addition, the FCC's request for comments raises the following issues of concern to us: nondiscriminatory access to private property; expansion of the scope of existing easements; location of the demarcation point; exclusive contracts; and expansion of the satellite dish rule to include nonvideo services.

Pyramid Developments LLC is aware of the importance of telecommunications services to tenants, and we would not jeopardize rent revenue stream by actions that would displease tenants. We are in competition with other buildings in our market and are committed to keeping our building up-to-date in all aspects. We continually look for better and more advanced ways of taking care of our facility and our tenants and keep our doors open to competitive providers.

There is no such thing as "nondiscriminatory access". There are dozens of providers out there, but limited space in buildings means that only a handful of providers can install facilities in buildings. Nondiscriminatory access discriminates in favor of the first few entrants. We as building owners must have control over space occupied by providers, especially when there are multiple providers involved. We must have control over who enters our building; we are faced with liability for damage to the building, the leased premises and the facilities of other providers; and for personal injury to tenants and visitors. We are also liable for safety code violations. Qualifications and reliability are a real issue.

What does "nondiscriminatory" mean? Deal terms vary because each deal is different. New companies without a track record pose a greater risk than established companies, for example, so indemnity, insurance, security deposits, remedies and other terms may differ. Value of space and other terms also depend on many factors.

A single set of rules won't work because there are different concerns depending on whether a building is commercial, residential or shopping center. Building owners often have no control over terms of access for Bell companies and other incumbents; they were established in monopoly environment. The only fair solution is to let the new competitive market decide and allow owners to renegotiate the terms of all contracts. Owners can't be forced to apply old contracts as the lowest common denominator when the owner had no real choice. If carriers can discriminate by choosing which buildings and tenants to serve, building owners should be allowed to do the same.

The FCC cannot expand the scope of the access right held by every incumbent to allow every competitor to use the same easement of right-of-way. Grants in some buildings may be broad enough to allow other providers in, but others are narrow and limited to facilities owned by the grantee. If owners had know governments would allow other companies to piggy-back, they would have negotiated different terms. Expanding rights now would be a taking of private property.

Current demarcation point rules work fine because they offer flexibility, there is no need to change them. Each building is a different case, depending on the owner's business plan, nature of property and nature of tenants in the building. Some building owners are responsible for managing wiring and some are not.

We oppose the existing expansion of satellite dish rule because we do not believe that Congress meant to interfere with our ability to manage our property. The FCC should not expand the satellite rule to include date and other services, because the law only applies to antennas used to receive video programming.

In summary, we urge the FCC to carefully consider any action it may take. Thank you for your consideration of our views.

Sincerely,

PYRAMID DEVELOPMENTS, LLC

Edward Ribbeck

Edward "Buzzy" Ribbeck, CGR
Managing Member

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